

REMARKS

Following entry of the foregoing amendments, claims 3, 8-9, 14, 17-19, 21, 35 and 37 constitute the pending claims in the present application. Claims 1-2, 7, 34 and 36 are cancelled. Claims 3, 8-9, 14, 17-19, 21, and 35 are currently amended. Claims 4-6, 11-13, 15, 16, 20, 22-33 are withdrawn from consideration.

In the office action dated March 2, 2005, claims 1, 3, 8, 9, 14, 17-19, 21, 34-36 are rejected. Claim 35 is objected to. Claim 37 is allowed. Claims 1, 3, 8, 9, 14, 18, 19, 21 and 34-36 are rejected under 35 USC 102(b) as being anticipated by U.S. 5,059,077 to Schmid ("Schmid"). Claims 1 and 17 are rejected under 35 USC 102(e) as being anticipated by Publication No. 2002/0164228 to Martin et al. ("Martin").

Applicants hereby amend claims 3, 8-9, 14, 17-19, 21, and 35 to depend from allowed claim 37. Applicants also amend these claims to recite methods. Claim 34 is now redundant and is cancelled. In light of the allowance of claim 37 and amendments to claims 3, 8-9, 14, 17-19, 21, and 35, claims 1 and 36 are cancelled. These amendments present no new matter. Since claims 3, 8-9, 14, 17-19, 21, and 35 variously depend from allowed claim 37 and recite further limitations thereon, Applicants request that the Examiner pass these claims to allowance.

Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner are addressed below in the order they appear in the prior Office Action.

1. Claim 35 Is Amended to Correct a Typographical Error

Claim 35 is objected to because of the following informalities: line 2 of the claim recites "yams." Applicants amend claim 35 to recite "yarns" and not "yams." Support for this amendment can be found in the specification at least in paragraph 0015. Reconsideration and withdrawal of the objection is requested.

2. The Amended Claims Patentably Distinguish Over Schmid

Claims 1, 3, 8, 9, 14, 18, 19, 21 and 34-36 are rejected under 35 USC 102(b) as being anticipated by U.S. 5,059,077 to Schmid ("Schmid"). The Office submits that Schmid discloses a plastic fastener "capable of use in surgery." While Applicants disagree, claims 3, 8-9, 14, 18-19, 21, and 35 are amended to variously depend from allowable claim 37. Since Schmid does

not teach nor suggest the method of claim 37, Applicants request that the Examiner reconsider and withdraw the 35 USC 102(b) rejection of claims 3, 8-9, 14, 18-19, 21, and 35 based on Schmid and pass these claims to allowance. Claims 1, 34, and 36 are cancelled rendering the rejection of these claims moot.

3. The Amended Claim Patentably Distinguishes Over Martin

Claims 1 and 17 are rejected under 35 USC 102(e) as being anticipated by Publication No. 2002/0164228 to Martin et al. ("Martin"). The Office contends that Martin discloses a first member 100 and a second member 110. Even though, as acknowledged by the Office, element 110 is an "installation tool," the Office submits that "the combination of members 110 and member 100 is capable of fastening something." While Applicants disagree, claim 17 is amended to depend from allowable claim 37. Since Martin does not teach nor suggest the method of claim 37, Applicants request that the Examiner reconsider and withdraw the 35 USC 102(e) rejection of claim 17 based on Martin and pass this claim to allowance. Claim 1 is cancelled rendering the rejection of this claim moot.

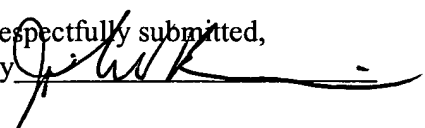
4. Applicants Acknowledge Withdrawal of the Rejections over Fenton, Van Kampen, and Dakin

Applicants note with appreciation the withdrawal of the 35 USC 102(b) and 35 USC 102(e) rejections over US 6,056,751 to Fenton, Jr. ("Fenton"), US 4,834,752 to Van Kampen ("Van Kampen"), and US 6,368,326 to Dakin et al. ("Dakin").

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**, under Order No. MIY-P01-012 from which the undersigned is authorized to draw.

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Respectfully submitted,
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